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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/518,241	12/16/2004	Roger Philip Duffy	038665.55712US	8336
23911 7590 09/09/2008 CROWELL & MORING LLP INTELLECTUAL PROPERTY GROUP P.O. BOX 14300 WASHINGTON, DC 20044-4300			EXAMINER WATKINS III, WILLIAM P	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 09/09/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/518,241

Applicant(s)

DUFFY, ROGER PHILIP

Examiner

William P. Watkins III

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Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 2, 4-9, 11-15 and 17-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4-9, 11-15 and 17-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 16 July 2008 has been entered.
2. The rejections using Muller in sections 2 and 3 of the detailed portion of the office action mailed 17 April 2008 are withdrawn in view of applicant's arguments and claim amendments in the paper filed 16 July 2008. A new ground of rejection is given below.
3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
4. Claims 1-2, 4-9, 11-15 and 17-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kromrey (U.S. 4,983,341) in view of Cole et al. (U.S. 4,325,899) further in view of Muir et al. (U.S. 2002/0124945 A1).

Kromrey teaches a breather sheet that has a central glass bead layer that has a porous glass fiber layer on top of the bead layer to protect the bag, and a porous fiber release layer under the bead layer in contact with the laminate to be consolidated. The reference teaches venting through the bead layer parallel to the plane of the bead layer and more restricted venting normal to the plane of the bead layer because of the more limited permeability of the fabric layers (col. 3, line 65 through col. 4, line 30). Cole et al. teaches the use of a metal mesh layer to allow venting in the plane of the metal mesh in a mold (abstract, col. 5, lines 40-60). Muir et al. teaches the use of perforations in a mold layer to allow increased venting through a layer to reduce blisters in a molded laminate. Variation in size and distribution of the holes in the layer to increase ventilation is within the ordinary skill of the art depending on the amount of gas to be vented (abstract, sections 0042 and 0043).

The instant invention claims a breather sheet comprised of a mesh between two outer layers that are perforated. It would have been obvious to one of ordinary skill of the art to have substituted the metal mesh layer of Cole et al. for the glass bead layer of Kromrey as the metal mesh layer serves a similar function of allowing cross ventilation when the laminate is compressed in the mold. It further would have been obvious to one of ordinary skill in the art to have perforated the outer fiber layers of Kromrey in view of Cole et al. to increase the venting flow normal to the plane of the sheet because of the teachings of Muir et al. to increase vapor flow through a layer in a mold by perforation of the layer. Location of the holes so as not to be blocked by the

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mesh member would have been an obvious matter as well as location of any adhesive so as not to block the perforations in order to promote the desired venting function.

5. Applicant's arguments with respect to claims 1-2, 4-9, 11-15 and 17-21 have been considered but are moot in view of the new ground(s) of rejection.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William P. Watkins III whose telephone number is 571-272-1503. The examiner works an increased flex time schedule, but can normally be reached Monday through Friday, 11:30 A.M. through 8:00 P.M. Eastern Time. The examiner returns all calls within one business day unless an extended absence is noted on his voice mail greeting.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on 571-272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WW/ww
September 9, 2008

/William P. Watkins III/

Primary Examiner, Art Unit 1794

